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An Act To Ensure Protection from Harassment for Purchasers of Real Property through Auction

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA §287-B is enacted to read:

§ 287-B. Personal property located on real property

1. Opportunity to claim personal property. Prior to an auction of real property, the owner of the real property and the auctioneer shall provide an opportunity for any person who owns personal property located on the real property to claim the personal property.

2. Claim. A person who owns personal property under subsection 1 may claim the property by removing it from the real property or by notifying both the owner and the auctioneer that the personal property is owned by that person and may not be included in the auction.

3. Claim period. A person who owns personal property under subsection 1 may notify the auctioneer and the owner of the real property pursuant to subsection 2 anytime within the 30 days before the auction and the date of the auction.

4. Not included in auction. Personal property that is claimed under this section by the date of the auction may not be included in the auction of real property.

5. Removal of personal property. If a person who claims personal property pursuant to this section has not removed it by the date of the auction, the person must remove it as soon as possible or within a period agreed to by the person and the new owner of the real property.

Sec. 2. 32 MRSA §299, sub-§8, as enacted by PL 1999, c. 146, §5, is amended to read:

8. Statement of buyer's premium. A statement of the buyer's premium and any other charges to the bidders or any other persons in attendance; and

Sec. 3. 32 MRSA §299, sub-§9, as enacted by PL 1999, c. 146, §5, is amended to read:

9. Title and address. The title and address of the board; and

Sec. 4. 32 MRSA §299, sub-§10 is enacted to read:

10. Personal property. In an auction that includes real property, any personal property on the premises of the real property to be auctioned that is not subject to the auction, including but not limited to personal property claimed under section 287-B.

SUMMARY

This bill requires the owner of real property that is to be sold by auction, and the auctioneer who will conduct the auction, to provide an opportunity for any person who owns personal property located on the real property to claim that personal property before the auction. The personal property may be claimed by notifying the owner of the real property and the auctioneer before the auction or by removing the personal property. Personal property that is claimed in this manner is not included in the auction of the real property, and the auctioneer must make that clear at the beginning of the auction.

If the person who claims the personal property has not removed it by the date of the auction, the person is responsible for removing the personal property as soon as possible or within a time period established by the agreement of the person and the new owner of the real property.